



UNMANNED AIRCRAFT SYSTEM PILOT PROGRAM

FC No.: 460

Date: 04-12-2021

If a provision of a regulation, departmental directive, or rule conflicts with a provision of the contract, the contract prevails except where the contract provision conflicts with State law or the Police Collective Bargaining Law. (FOP Contract, Article 61)

This directive only applies to Montgomery County Department of Police (MCPD) sworn executive staff personnel.

Contents:

- I. Policy
- II. Definitions
- III. Procedures
- IV. Retention and Management
- V. Records Requests and Release of Recordings
- VI. Supervision and Reporting
- VII. CALEA Standards
- VIII. Proponent Unit
- IX. Cancellation

I. Policy

It is the policy of the Montgomery County Department of Police (MCPD) to utilize a small Unmanned Aircraft System (sUAS) for the focused and limited purpose of public safety and law enforcement activities. The Unmanned Aircraft System deployment and data collected will be used in a lawful manner consistent with all provisions of applicable law. The Department will obtain all applicable authorizations, permits, or certificates required by the Federal Aviation Administration (FAA) prior to deploying or operating the Unmanned Aircraft System. These authorizations, permits, and certificates will be maintained and current. The Field Service Bureau Chief will designate the person responsible for this function.

II. Definitions

- A. Digital Multimedia Evidence (DME): Digital recording of images, sounds, and associated data.
- B. Executive Staff Employee: *A sworn Montgomery County Police Officer holding the rank of Lieutenant or above. Executive staff personnel are not FOP bargaining unit members.*
- C. FAA 14 CFR Part 107: The federal regulations set forth by The Federal Aviation Administration (FAA) regarding sUAS operations in the National Air Space (NAS).
- D. Program Manager: Employee designated by the Field Service Bureau Chief who oversees the Unmanned Aircraft System program. Duties include inventory, maintenance, training, supervision, and equipment/employee certification.

- E. Remote Pilot: *An executive staff employee* who holds a valid remote pilot certificate with a small unmanned aircraft system rating issued by the Federal Aviation Administration. Remote Pilots must demonstrate aeronautical knowledge by either:
1. Passing an initial knowledge test at an FAA-approved knowledge testing center; or
 2. Hold a part 61 pilot certificate other than a student pilot, complete a flight review within the previous 24 months, and complete a small unmanned aircraft system online training course provided by the FAA, and
 3. Be vetted by the Transportation Security Administration.
- F. Remote Pilot in Command (PIC): *An executive staff employee* who holds a remote pilot certificate with an sUAS rating and has the final authority and responsibility for the operation and safety of an sUAS operation conducted under FAA Part 107.
- G. Small Unmanned Aircraft System (sUAS): A unmanned aircraft under 55 lbs. and its associated elements that are required for the safe and efficient operation of the small unmanned aircraft in the National Air Space that includes the necessary equipment, network, and personnel to control a small unmanned aircraft.

III. Procedures

A. Administration

All deployments of sUAS must be specifically authorized by a Bureau Chief or designee. The Montgomery County Department of Police has adopted the use of sUAS to provide an aerial visual perspective in responding to emergency situations and exigent circumstances that include events that could lead to serious injury or the loss of life, and for the following objectives:

1. Situational Awareness: To assist decision makers (e.g., incident command staff, first responders, city, county, and state officials) in understanding the nature, scale, and scope of an incident—and for planning and coordinating an effective response.
2. Search and Rescue: To assist critical missing person investigations (e.g., AMBER Alerts, Silver Alerts) and other search and rescue missions (e.g., body recovery).
3. Tactical Deployment: To support the tactical deployment of officers and equipment in emergency situations (e.g., response to terrorist activities, active shooters, SWAT raids, hostages, and barricades), support for large-scale tactical operations, and other temporary perimeter security situations.
4. Visual Perspective: To provide an aerial visual perspective to assist officers in providing direction for public safety events, traffic incident management, special events, and temporary perimeter security.
5. Scene Documentation: To document a crime scene, collision scene, or other major incident scene (e.g., disaster management, incident response, large-scale forensic scene investigation).
6. Department Development: To capture aerial DME used to enhance department training and outreach initiatives.
7. Community Engagement: To provide demonstrations and engagement opportunities with community groups and education programs.

B. Procedures for sUAS Use

1. The Montgomery County Department of Police will obtain applicable authorizations, permits, or certificates required by the Federal Aviation Administration (FAA) prior to deploying or operating the sUAS, and these authorizations, permits, and certificates shall be maintained and current.
2. The sUAS will be operated only by *executive staff personnel* (Remote Pilot in Command and Remote Pilots) who have been trained and certified in the operation of the system.
3. The sUAS-certified personnel shall inspect and test sUAS equipment prior to each deployment to verify the proper functioning of all equipment and the airworthiness of the device.

4. The sUAS equipment is the responsibility of individual employees and will be used with reasonable care to ensure proper functioning. Equipment malfunctions shall be brought to the attention of the program manager as soon as possible so that an appropriate repair can be made, or a replacement unit can be procured
5. The sUAS equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of the Montgomery County Department of Police.
6. All flights will be captured and recorded by software designed for that purpose. In addition, each deployment of the sUAS shall include information regarding the reason for the flight; the time, date, and location of the flight; the name of the Bureau Chief or designee approving the deployment and the staff assigned, and a summary of the activities covered, actions taken, and outcomes from the deployment.
7. Consistent with established mutual aid policies and procedures, sUAS may be authorized in response to a request for sUAS assistance in support of Federal, State, local, tribal, or territorial government operations.
8. Notification shall be made to the Public Safety Emergency Communications Center (ECC) when conducting operations in the field.

C. Training

1. *Executive staff personnel* who are assigned as sUAS operators must complete an agency-approved training program to ensure proper use and operations.
2. sUAS Program Manager will oversee ongoing proficiency and recertification training to ensure the continued effective use and operation and proper calibration and performance of the equipment and to incorporate changes, updates, or other revisions in policy and equipment.

D. Restrictions on Operating the sUAS

1. The sUAS shall be deployed and used only to support official law enforcement and public safety activities to include outreach and community engagement.
2. The sUAS shall not be operated in an unsafe manner or in violation of FAA rules.
3. Collection, use, dissemination, or retention of UAS-recorded data will not be based solely on individual characteristics (e.g., race, ethnicity, national origin, sexual orientation, gender identity, religion, age, or gender) or solely for the purposes of monitoring First Amendment-protected activities.

IV. Retention and Management

- A. All DME recordings are the property of the Montgomery County Department of Police and shall be securely stored and retained according to the department's retention schedule and consistent with federal and state law and existing evidence protocols, unless a specific request is made to store them for a longer period of time by the Director, Special Operations Division.
- B. It is the responsibility for the sUAS PIC to upload all DME by the end of their tour of duty.

V. Records Requests and Release of Recordings

- A. The public release of DME recordings will be conducted in accordance with applicable Federal and state law.
- B. The release of recordings of an employee's death or serious injury shall not occur absent compelling law enforcement related reasons to release the recording or in situations where the release of these recordings is required by law.

- C. Recordings will not be disseminated by any employee without receiving written permission under the authority of the Chief of Police.

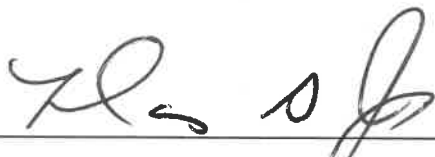
VI. Supervision and Reporting

- A. The sUAS program will be housed in the Special Operations Division (SOD). SOD *executives staff personnel* shall manage all deployments and uses of sUAS to ensure that *executive staff personnel* equipped with sUAS devices utilize them in accordance with policy and procedures defined herein.
- B. An authorized sUAS Program Manager will audit flight documentation at regular intervals. The results of the audit will be documented.
- C. The Chief of Police or designee shall publish an annual report documenting the agency's deployment and use of sUAS devices.
- D. This directive will be reviewed annually to determine if it still reflects current policies and procedures.
- E. For planned events and exercises that occur off Montgomery County Government property, the department should notify the public through the Public Information Division. Public Information Division may notify the public through its website, media releases, or social media pages.

VII. CALEA Standards: 41.1.3

VIII. Proponent Unit: Special Operations Division

IX. Cancellation: None



Marcus G. Jones
Chief of Police